1951 K File No. Forward contracts Control II 51 (R)

Legal Dept -

B. BRANCH

P 3/E

Subject:— Rules under the Bombay Forward Contracts Control Act-1947

File No. Forward Contracts control II 51 (R)

Gen. 194 a.

595 - B

Legal Department.

Under sub-section (1) of section 5 of the Bombay Forward Contracts Control Act, 1947, power has been given to the State Government toadd to, vary or rescind any rules made by a recognised association or to make any rules for all or any or the matters specified in sub-sections (1) to (4) of section 3. Under that sub-section power has also been given to the State Government to requior such Association to add to, vary or rescind its Articles of Association. There is no power given to the Government under section 5 or any other provision of the Act, itself to amend the Article of Association of a recognized Assocciation. No notification as proposed at page 11 ante can therefore be issued by Government for amending the Articles of Association of the Bombay Oil Seeds Exchange Lt.. The Articles of Association may be amended by the Associationitself.

Additional Secretary to Government-

U.R. to F.D., No. 15472 , dated the 27th Sept. 1951.

SSM /20/6/56.

Office of the R.L.A.

There appears to be no objection to the new articles 14A and 14B (page 13 ante) as proposed by the Association. The Bombay Forward Contract Control Act, 1947 does not prescribe any special form for conveying the approval of the State Government to any alterations or additions made in the rules of a recognised Association. Government's approval of proposed new articles can therefore be conveyed by a letter.

2. The amendments proposed to the by laws of the Association are in order. In view of the marginal note of the S.O. on page 21 ante a draft notification including the necessary preamble for inviting objections and suggestions is sent herewith.

Remembrancer of Legal Affairs.

U.R. to F.D. No. 9951 dated 22nd June 1951.

SSM 20/6/56.

Office of the R.L.A.

In place of the draft notification at pages 7-8 ante a revised draft notification is sent herewith.

In clauses (2) and (3) of the draft by-law 127-B "1-30 P.M." and "1-0 P.M." are respectively prescribed as the hours for presenting the cheque. It is not clear on which day the cheque is to be so presented. If the intention is that the cheque should be presented at or within the prescribed hours on the day on which it was issued or on the date fixed, it is necessary to make the intention clear.

Remembrancer of Legal Affairs.

U. R. to F.D. No. 9172, Dated 11th June 1951.